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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,214	08/25/2003	Karl Allen Dierenbach		9036

7590 03/10/2005
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#100
232 McCaslin Blvd.
Louisville, CO 80027

EXAMINER

PHAN, THANH S

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/646,214		DIERENBACH, KARL ALLEN	
	Examiner		Art Unit	
	Thanh S Phan		2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanish [US 3,890,777] in view of Hartwig [US 3,668,858].

Regarding claims 1 and 8-9, Stanish discloses an apparatus for the display of time [4] comprising at least two coaxial output shafts [34, 39, 43] driven at different annular rates [column 4, lines 16-26]; a first rigid member with an inner annular surface [38] which is suspended by one of the output shafts and has a demarcation [40] to represent the hour, the first rigid member being in contact with the first output shaft [39] so as to rotate the first rigid member once every twelve hour allowing the hour to be interpreted using traditional clock interpretation means; a second rigid member [42] with an inner annular surface which hang on the second of the drive wheel and has a demarcation [44] to represent the minute of the hour, the second rigid member being contact with the second drive shaft [43] so as to rotate the second rigid member with minute demarcation once every hour allowing the minute of the hour to be interpreted using traditional clock interpretation means.

Stanish disclose everything claimed except output shafts being engaged with drive wheels cooperating with the rigid members.

Hartwig discloses a timepiece having a plurality of shaft members [21, 54] engaging drive wheels [24, 48] to drive rigid members [17, 44] for indicating time using a traditional clock interpretation means [figure 12].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use drive wheels with the shafts of Stanish, as suggested by Hartwig, for the purpose of providing sufficient torque to rotate the rigid members.

Regarding claims 3 and 11, Stanish disclose everything claimed except the rigid members being transparent. Hartwig discloses the rigid members being substantially clear annular rings [column 2, lines 45-57]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the rigid members be transparent in order to facilitate viewing of the time.

Regarding claims 4-5, 12-13, 16-19, Stanish disclose everything claimed except for the clock work including a third output shaft with a third coaxially mounted rigid member attached to a third output shaft having a demarcation to represent the second of the minute, the third rigid member being in contact with the third drive shaft so as to rotate the third rigid member once every minute allowing the second of the hour to be interpreted using traditional clock interpretation means. Hartwig discloses the clock work including a third output shaft with a third coaxially mounted rigid member [29] attached to a third output shaft [42] having a demarcation [41] to represent the second of the minute, the third rigid member being in contact with the third drive shaft so as to

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rotate the third rigid member once every minute allowing the second of the hour to be interpreted using traditional clock interpretation means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a third transparent coaxially mounted rigid member in the clock of Stanish, as suggested by Hartwig, in order to provide indication of the seconds.

Regarding claim 7, Stanish disclose everything claimed except the first rigid member having an annular ring to contact the drive shaft which is farthest from the clockwork and comprises a flange to attached the annular ring to a surface perpendicular to the axis of rotation being large enough to hide the drive wheel from view and provide an area for demarcation to indicate time. Hartwig discloses the first rigid member having an annular ring to contact the drive shaft which is farthest from the clockwork and comprises a flange to attached the annular ring to a surface perpendicular to the axis of rotation being large enough to hide the drive wheel from view and provide an area for demarcation to indicate time [figure 12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the flange design of Hartwig in Stanish, for the purpose of hiding the drive means from the clock viewing surface.

Claims 6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanish and Hartwig as applied to claims 1 and 9 above, and further in view of Truini [US 5,359,578].

Stanish in view of Hartwig discloses everything claimed except the first rigid member having a smaller diameter then the second rigid member.

Truini discloses a clockwork [figure 8b] having at least two annular rings [8.8, 8.5] supported on coaxial pins [8.10, 8.11] wherein the first ring has a smaller diameter.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rings with different diameters as suggested by Truini with Stanish; as modified; for the purpose of providing a clear view of all of the rigid members.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 11-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

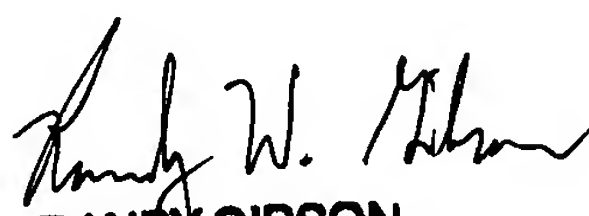
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp


RANDY GIBSON
PRIMARY EXAMINER